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ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

MICHAEL KATZ-LACABE, ET AL.,

Plaintiffs,

v.

ORACLE AMERICA, INC., a corporation  
organized under the laws of the State of  
Delaware,

Defendant.

Case No. 3-22-cv-04792-RS

**DECLARATION OF  
CHRISTIN HILL IN SUPPORT OF  
DEFENDANT ORACLE  
AMERICA, INC.'S POSITION ON  
PLAINTIFFS' MOTION TO COMPEL**

Judge: Hon. Richard Seeborg

Date Action Filed: August 19, 2022  
Trial Date: Not set

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1 I, Christin Hill, declare as follows:

2 1. I am a partner in the law firm Morrison & Foerster LLP and counsel of record for  
3 Defendant Oracle America, Inc. in this matter. I am a member of good standing in the Bar of the  
4 State of California, and I am admitted to practice before this Court. I have personal knowledge of  
5 the matters set forth in this declaration and, if called upon to do so, I would testify competently to  
6 them.

7 2. On November 22, 2022, Plaintiffs served their First Set of Requests for Production  
8 of Documents (“Set One RFPs”) on Oracle. The Set One RFPs included ten RFPs (Nos. 4 – 13)  
9 requesting the same information (verbatim) for the following Oracle products and capabilities:

- 10 • BlueKai
- 11 • Oracle ID Graph
- 12 • Oracle Data Marketplace
- 13 • Oracle Data Cloud Core Tag
- 14 • Oracle’s Cookies
- 15 • Oracle’s Tracking Pixels
- 16 • Oracle’s Device Identification
- 17 • Oracle’s Cross-Device Tracking
- 18 • AddThis
- 19 • Datalogix

20 The RFPs requested:

21 DOCUMENTS CONCERNING the structure, function, and operation, of [Oracle product  
22 or capability], including but not limited to documents sufficient to show the following:

23 (a) The format and schemas of databases controlled and used by ORACLE in the  
24 operation of [Oracle product or capability];

25 (b) The pipelines and other data sources used to populate databases controlled and  
26 used by ORACLE in the operation of [Oracle product or capability];

27 (c) Any data anonymization/de-identification procedures used by ORACLE in the  
28 operation of [Oracle product or capability];

(d) Any data deletion or scrubbing procedures used by ORACLE in the operation  
of [Oracle product or capability].

3. On January 17, 2023, Oracle served its responses and objections to the Set One  
RFPs. For RFP Nos. 4 – 13, Oracle agreed to:

“produce non-privileged documents located after a reasonable and diligent search that are

1 sufficient to show the structure, function, and operation of [Oracle product or capability]  
2 within the applicable statute of limitations, if any exist, including (i) the pipelines and  
3 other data sources used to populate databases controlled and used by Oracle in the  
4 operation of [Oracle product or capability] and (ii) any data anonymization/de-  
5 identification procedures used by Oracle in the operation of [Oracle product or capability].  
6 Oracle's investigation is ongoing. Once Oracle's investigation is complete, it will meet  
7 and confer with Plaintiffs regarding the available documents and in particular, the scope  
8 and relevance of documents of the documents sought by subsection (d)."<sup>1</sup>

9 4. The parties met and conferred on Plaintiffs' discovery requests in January 2023.  
10 Oracle committed to investigate whether responsive documents could be produced through a  
11 targeted search. After completing its investigation, Oracle determined that a targeted search  
12 could not locate the full scope of responsive documents and indicated that it intended to apply  
13 search terms to locate responsive documents across custodial and non-custodial sources.

14 5. Thereafter, pursuant to the ESI Order, Oracle proposed search terms "to be applied  
15 to [the] universe of documents" collected from custodial and non-custodial sources and  
16 "provide[d] hit reports for proposed search terms before using the search terms to narrow the  
17 universe of documents to be searched." (ECF No. 48, Section VI.2.) The parties exchanged  
18 several revisions to that initial set of search terms between March and May 2023.

19 6. On May 17, 2023, the parties agreed to a final set of search terms. Oracle ran the  
20 agreed-upon search terms against identified custodial and non-custodial sources and began its  
21 relevance review. At no point did Plaintiffs raise any objection to conducting a review for  
22 relevance.

23 7. Oracle reviewed the documents that hit on the agreed-upon search terms for  
24 responsiveness to the Set One RFPs, privilege, and confidentiality. Oracle's responses and  
25 objections to each RFP formed the basis of Oracle's review for relevance.

26 8. Oracle substantially completed its production of documents responsive to the Set  
27 One RFPs on October 18, 2023.

28 9. On December 7, 2023, Plaintiffs sent Oracle a letter claiming that Oracle's  
production of documents responsive to the Set One RFPs was "deficient." Plaintiffs claimed that

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<sup>1</sup> I have not attached the documents referenced in this declaration because the Court's Case Management Scheduling Order limits attachments to discovery joint letter briefs to 12 pages, but I am prepared to submit them if necessary. (See ECF No. 34 at 2.)

1 it was “implausible that Oracle has in fact produced all the relevant documents responsive to  
2 Plaintiffs’ Set One RFPs” because they “had expected . . . a far more robust production.” On  
3 February 7, 2024, Plaintiffs sent Oracle a subsequent letter outlining purported “deficiencies” in  
4 Oracle’s document production based on the “paucity” of documents produced.

5 10. On February 13, 2024, the parties met and conferred on the issues raised in  
6 Plaintiffs’ letters. Oracle directed Plaintiffs to its responses and objections to each RFP, which  
7 formed the basis of Oracle’s review. Oracle further explained that that the relatively low  
8 responsiveness rate was a result of the fact that the agreed-upon search terms were over-inclusive  
9 and that documents concerning the “structure, function, and operation” of relevant products were  
10 not likely to be found in custodial collections. Oracle re-iterated this position in a letter sent to  
11 Plaintiffs on March 6, 2024.

12 I declare under penalty of perjury under the laws of the United States of America that the  
13 foregoing is true and correct.

14 Executed on March 21, 2024, in San Francisco, California.

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16 /s/ Christin Hill  
17 Christin Hill  
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